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In re Application of Carlson
Application No. 10/068,106
Filing Date: February 6, 2002
Attorney Docket No. PANG-1-1002

Decision on Petition

This is a decision on the petition under 37 CFR 1.137(a), filed April 12, 2006, to revive the above-identified application. The petition is also being treated under 37 CFR 1.181 (no fee) as a petition to withdraw the holding of abandonment.

The petition under 37 CFR 1.181 is **granted**.

The petition under 37 CFR 1.137(a) is **dismissed as moot**.

Facts:

The application was filed on February 6, 2002.

Petitioner's office relocated. As a result, on October 14, 2004, petitioner requested the Office associate the application with customer number 25315.

The Office failed to change the correspondence address to the address associated with customer number 25315.

A non-final Office action was mailed to the old, incorrect address on May 12, 2005.

The USPS returned the Office action undelivered on May 20, 2005.

Discussion:

Petitioner contends, and the Office agrees, the May 12, 2005 Office action was mailed to an incorrect address.

The Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

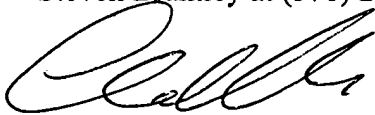
Since the petition has been granted under 37 CFR 1.181, petitioner's request to have the petition considered under 37 CFR 1.137(a) is dismissed as moot. No petition fee is required for a petition to withdraw holding of abandonment under 37 CFR 1.181. Therefore, the petition fee of

\$250 submitted for the petition under 37 CFR 1.137(a) will be credited to petitioner's deposit account.

As a courtesy, the Office wishes to remind petitioner to ensure all future papers indicate the correspondence address should be the correspondence address associated with customer number 25315. The fee transmittal letter filed with the petition states, "Direct all communications to: Richard T. Black, Esq., Black Lowe & Graham, 701 Fifth Avenue...." The address on the fee transmittal letter does not include any reference to customer number 25315. In the future, the Office may interpret such an instruction as an indication that to change the correspondence address to the specific address.

Technology Center Art Unit 3621 will be informed of the instant decision and the amendment filed April 12, 2006, will be examined in due course.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.

A handwritten signature in black ink, appearing to read 'Charles Brantley', is positioned above the printed name.

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions